

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Save Lake Superior Association and
Sierra Club,

Civil No. 07-3557 (PAM/RLE)

Plaintiffs,

v.

ORDER

Northshore Mining Company,

Defendant.

This matter is before the Court on Defendant Northshore Mining Company's Motion to Stay. Defendant contends that this matter should be stayed pending resolution of Defendant's Motions in the related case of United States, et al. v. Reserve Mining Company, et al., Civ. No. 5:72-19. Plaintiffs oppose the Motion to Stay, contending that it is an impermissible collateral attack on the air quality standards in a permit issued to Defendant by the state of Minnesota.

There is no dispute that the resolution of these two related cases will necessitate a re-visitation of the so-called "control city standard" set forth by the United States Court of Appeals for the Eighth Circuit more than 20 years ago. See Reserve Mining Co. v. Env'tl. Prot. Agency, 514 F.2d 492-538-39 (8th Cir. 1975). The Court would prefer that the parties themselves determine the procedure for re-visiting that standard, but it appears that the parties are unable to do so. Thus, although the Court is mindful of the importance of expeditious enforcement of citizen suits such as this one, the Court believes that the claims

in the citizen suit will not be unduly prejudiced by allowing the Court to first determine whether the substance of those claims should be re-examined in the context of the related case.

Accordingly, **IT IS HEREBY ORDERED** that Defendant Northshore Mining Company's Motion to Stay (Clerk Doc. No. 8) is **GRANTED** and the above-captioned matter is **STAYED** pending resolution of the Motion for Clarification and Relief filed in the related matter, United States, et al. v. Reserve Mining Co., et al., Civ. No. 5:72-19.

Dated: September 20, 2007

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge